

<b>Council and Committee of the Whole Meeting Minutes</b>	<b>Tab 14</b>
<p><b>Background:</b> The Council will review the minutes from the February 5, 2016, Council meeting and the February 4, 2016, Committee of the Whole meeting.</p>	
<p><b>Council — Agenda Item 3</b> <b>Expected Action:</b> The Council will review, revise as appropriate, and approve.</p>	

**COUNCIL MEETING  
DRAFT MINUTES  
FEBRUARY 5, 2016**

**COUNCIL MEMBERS PRESENT**

Mary Durham, Council Chair  
Hunter Adkins  
Patty Anderson, DRT  
Kimberly Blackmon  
Gladys Cortez  
Kristen Cox  
Mateo Delgado  
Stephen Gersuk

Ivy Goldstein, DSHS  
Barbara Kaatz, TEA  
Ruth Mason  
Scott McAvoy  
Michael Peace  
Dana Perry  
Brandon Pharris  
Amy Sharp, UT CDS

Meagan Sumbera, A&M CDD  
David Taylor  
Lora Taylor  
Rick Tisch  
John Thomas  
Donnie Wilson, DADS  
April Young, HHS

**COUNCIL MEMBERS ABSENT**

Kristine Clark

Andrew Crim

Jennifer Kaut, DARS

**STAFF MEMBERS PRESENT**

Beth Stalvey, Executive  
Director  
Martha Cantu  
Joanna Cordry

Cynthia Ellison  
Danny Fikac  
Ashley Ford  
Jessica Ramos

Joshua Ryf  
Koren Vogel

**GUESTS PRESENT**

Justin Babineaux  
Isabel Evans

Shiloh Gonzales  
Darryl Powell

**CALL TO ORDER**

The Texas Council for Developmental Disabilities convened on Friday, February 5, 2016, in the Colony Ballroom C of the Sonesta Bee Cave Austin Hotel, 12525 Bee Cave Parkway, Bee Cave, TX 78738. Council Vice-Chair Kristen Cox called the meeting to order at 9:03 AM. Cox noted that Council Chair Mary Durham requested that Cox facilitate the meeting since Durham was unable to attend Thursday's Committee meetings.

**1. INTRODUCTIONS**

Council members, staff and guests were introduced.

**2. PUBLIC COMMENTS**

No public comments were offered to the Council.

**3. CONSENT ITEMS**

Vice-Chair Cox reviewed consent items including the minutes from the November 6, 2015, Council meeting & November 5, 2015, Committee of the Whole meeting and the excused absences of Kristine Clark and Andrew Crim. Cox then announced that Crim had submitted a letter of resignation from his position on the Council and read the letter citing work and family conflicts that prevent him from devoting time and attending meetings as necessary.

**MOTION:**

To approve the minutes of the November 6, 2015, Council meeting and November 5, 2015, Committee of the Whole meeting as well as the excused absences as noted.

**MADE BY:** Mary Durham

**SECOND:** Lora Taylor

The motion **passed** unanimously.

**4. CHAIR'S REPORT**

Vice-Chair Cox noted that the Council will miss Andy Crim and encouraged members to become friends with him on Facebook to follow his advocacy efforts as well as the progress of his son. No other report items were offered.

**5. EXECUTIVE DIRECTOR'S REPORT**

Executive Director Beth Stalvey provided an update on TCDD staff to note that Grants Management Director Sonya Hosey has returned to the office from medical leave on a part-time basis and expects to progress to full-time in the upcoming weeks. There is still a vacant Grants Management Specialist position following interviews that were conducted before the holidays. The position will be posted again for applications and members were encouraged to notify potential applicants of the vacancy.

Stalvey reported the notice of grant award for Council funding for FY 2016 was just received into the office. A slight increase is expected as there was a \$1 million increase from FY 2015 to all DD Councils throughout the country. Details will be sent to Council members as soon as they are known.

**6. ELECTION OF COUNCIL VICE-CHAIR AND SELF-ADVOCATE MEMBER OF EXECUTIVE COMMITTEE**

Chair Durham noted that she would facilitate discussions on the elections of the Council Vice-Chair and Self-Advocate Member of the Executive Committee. She reminded members that the Nominating Committee was established at the November meeting to include Rick Tisch, David Taylor and Brandon Pharris. Pharris was elected to serve as Chair of the Nominating Committee and Durham asked him to report on the Committee's recommendations. Pharris noted that the Nominating Committee recommended continuing Kristen Cox as Council Vice-Chair and Michael Peace as Self-Advocate Member of the Executive Committee. No other nominations were offered from the Council.

**MOTION:** To elect Kristen Cox to a second term as Council Vice-Chair.

**MADE BY:** Brandon Pharris (motions from Committee do not need a second)

The motion **passed** unanimously.

**MOTION:** To elect Michael Peace to a second term as Self-Advocate Member of the Executive Committee.

**MADE BY:** Brandon Pharris

The motion **passed** unanimously.

**7. REVIEW AND PROPOSED REVISIONS TO THE TEXAS ADMINISTRATIVE CODE**

Vice-Chair Cox noted that no public comments were received following the Texas Register posting of proposed revisions to TCDD Rules in the Texas Administrative Code. Executive Director Stalvey reminded members of the revisions that were proposed at the November 2015 meeting and approved for posting in the Texas Register and again noted that no comments were received during the 30-day posting period.

**MOTION:** To approve revisions to TCDD Rules in the Texas Administrative Code

**MADE BY:** Kristen Cox for the Executive Committee

The motion **passed** unanimously. (Attachment 1)

Stalvey explained that the next step in the process is to consider revisions to Council Policies and Procedures to implement and further define the changes in the Texas Administrative Code. She reviewed a draft of proposed revisions and explained that Council members now have the opportunity to review and propose any additional revisions. An official 10-day notification of consideration will be provided prior to the May 2016 meeting. Revisions include:

- Definition of Council representatives based on programs defined in the DD Act instead of Texas State Agencies
- Further clarification on withholding payments from grantees that are not compliant with reporting
- Further clarification on appeals process for funding applicants
- Attendant and respite care reimbursement rates for Council members during travel to meetings and other Council business

#### **8. FUTURE ACTIVITIES FOR STATE PLAN IMPLEMENTATION**

Project Development Committee Chair Gladys Cortez reported on Committee discussion of an executive summary for a Higher Education Collaborative that expands best practices for students with disabilities to succeed in higher education. The project is recommended for up to five years with a funding amount to be established based on proposals.

**MOTION:** To approve the Executive Summary for a Higher Education Collaborative project for up to five years.

**MADE BY:** Gladys Cortez for the Project Development Committee

The motion **passed** unanimously. (Attachment 2)

Cortez reported on Project Development Committee discussions of the executive summary of a proposed project for Promotion of Supported Decision-Making and Alternatives to Guardianship. It was noted that the DD Network Partners (TCDD, Disability Rights Texas, UT Center for Disability Studies and A&M Center on Disability and Development) have discussed the possible implementation of this based on collaborative efforts of all organizations.

**MOTION:** To approve up to \$100,000 to secure a contractor for one year to implement a collaborative project between the DD Network Partners on the Promotion of Supported Decision-Making and Alternatives to Guardianship.

**MADE BY:** Gladys Cortez for the Project Development Committee

The motion **passed** without opposition. Patty Anderson (DRT), Ruth Mason, Amy Sharp (UT CDS) and Meagan Sumbera (A&M CDD) abstained from voting. (Attachment 3)

Cortez reported that the Project Development Committee reviewed the Future Funding Priorities list and agreed to place the newly approved projects in the second and third priority positions. The remaining projects stay in the same order

**MOTION:** To approve revisions to the Future Funding Priorities

**MADE BY:** Gladys Cortez for the Project Development Committee

The motion **passed** without opposition. Ruth Mason and Meagan Sumbera abstained from voting.

## 9. POSITION STATEMENT REVIEW

Public Policy Committee Chair Lora Taylor reported that the Public Policy Committee reviewed draft revisions to four position statements. The first statement reviewed was Emergency Preparedness and the Committee recommends minor revisions as presented in Council materials.

**MOTION:** To approve proposed revisions to the TCDD Emergency Preparedness Position Statement.

**MADE BY:** Lora Taylor for the Public Policy Committee

The motion **passed** unanimously. (Attachment 4)

Taylor reported that the Public Policy Committee discussed the Family Support Services position statement and recommends minor revisions as presented in Council materials.

**MOTION:** To approve proposed revisions to the TCDD Family Support Services Position Statement.

**MADE BY:** Lora Taylor for the Public Policy Committee

The motion **passed** unanimously. (Attachment 5)

Taylor reported that the Public Policy Committee discussed the Alternatives to Guardianship position statement and she noted that the draft revisions are extensive to the existing document due to changes in state legislation. She referred members to the documents in Council materials that show the statement with tracked changes as well as the statement with only the proposed language. The Committee recommends approval of the proposed revisions with one additional edit to replace “which” with “that” in the first sentence of the second paragraph.

**MOTION:** To approve proposed revisions to the TCDD Alternatives to Guardianship Position Statement.

**MADE BY:** Lora Taylor for the Public Policy Committee

The motion **passed** unanimously. (Attachment 6)

Taylor reported that the Public Policy Committee reviewed proposed changes to the Children and Families position statement and while there appears to be a significant amount of revisions it is mostly to use plain language in this statement. One substantial difference to the existing position statement occurs in the 6<sup>th</sup> bullet point on the participation of families in a child’s care plan when they cannot remain in their own home. One other minor edit in the 3<sup>rd</sup> bullet changes “assistant” to “assistance”.

**MOTION:** To approve proposed revisions to the TCDD Children and Families Position Statement.

**MADE BY:** Lora Taylor for the Public Policy Committee

The motion **passed** unanimously. (Attachment 7)

## 10. STATE PLAN GOALS AND OBJECTIVES

Vice-Chair Cox reminded members of the discussion during the Committee of the Whole regarding FY 2017 – FY 2021 State Plan Goals and Objectives. She asked if members had any additional revisions or recommendations and none were offered.

**MOTION:** To approve the FY 2017 – FY 2021 State Plan Goals and Objectives

**MADE BY:** Kristen Cox for the Committee of the Whole

The motion **passed** unanimously. (Attachment 8)

#### **11. EXECUTIVE COMMITTEE REPORT**

Senior Grants Management Specialist Cynthia Ellison reviewed the Independent Audit Status Report and noted there were no significant findings for this quarter. She also reviewed the Grants Monitoring Exceptions report and noted that Region 17 Education Service Center is still waiting on an audit report but others with a “pending” status are now complete. She discussed the Risk Assessment report that highlights the projects that were approved for continuation grant funding during the Executive Committee meeting.

Ellison reviewed the that three projects were approved for continuation grant funding including the Health and Fitness projects from Any Baby Can and Texas SILC and the Higher Education project from DARS. Seven projects will be considered for continuation grant funding at the May 2016 meeting. Seven conference stipends were approved during the quarter. One new grant project was approved for funding to Texas SILC for Accessible Transportation Summits. Vice-Chair Cox encouraged members to attend Executive Committee meetings to hear the details of funding for projects. Executive Director Stalvey noted that during the May 2016 meeting, the Executive Committee will consider funding for Leadership and Advocacy Training projects as well as Public Policy Fellows projects.

Operations Director Martha Cantu briefly reviewed the Quarterly Financial reports noting that more in-depth reviews were presented at the Committee of the Whole meeting. Vice-Chair Cox reiterated to members that while there appears to be an excess of funds available there remains time to obligate and spend these funds on grant projects.

Conflict of Interest disclosure reports were reviewed by the Executive Committee and no concerns were noted. Members were encouraged to submit updates.

#### **12. PROJECT DEVELOPMENT COMMITTEE REPORT**

Project Development Committee Chair Cortez reported that new projects have begun from the National Disability Institute on employment and Disability Rights Texas on alternatives to guardianship training. The Committee hopes to consider executive summaries on peer-to-peer supports, community based non-work options, and youth leadership forums at future meetings. It was noted that projects on workplace bullying will be discussed after the 2017 legislative session.

Committee members also discussed funding limits for conference stipends. It was suggested that the funding for stipends could be increased to \$7,500 per event (each for consumer stipends and speaker stipends) and up to \$100,000 overall per year. This will be put on the agendas for consideration at the May 2016 meetings.

#### **13. PUBLIC POLICY COMMITTEE REPORT**

Public Policy Committee Chair Taylor reported that the Public Policy Committee received updates on the federal budget, affordable housing and children in institutions. The Committee had a good discussion on workplace bullying.

## **12. ANNOUNCEMENTS AND UPDATES**

Council members discussed dates and locations of future meetings of May 4-6, 2016 (Doubletree Arboretum), August 3-5, 2016 (Horseshoe Bay Resort), November 2-4, 2016 (tentative date) and February 1-3, 2017.

Council member Kimberly Blackmon spoke about her experiences at Eastern New Mexico University and offered her support of expansion of higher education projects.

Council member David Taylor informed members of the International Fragile X Conference that will take place July 20-24, 2016, in San Antonio.

Members were encouraged to submit requests to attend conferences that can provide further education on developmental disabilities issues to Council Chair Durham.

## **ADJOURN**

Council Vice-Chair Cox adjourned the meeting at 9:51 AM.

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Beth Stalvey  
Secretary to the Council

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Date

# Attachments



# Texas Council for Developmental Disabilities

## Council Policies

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# Texas Council for Developmental Disabilities

## Council Policies

Adopted by Council November 10, 2000

Revisions Approved May 10, 2002, August 8, 2003, August 13, 2004, November 5, 2004; February 4, 2005; February 3, 2006, November 3, 2006, August 3, 2007, February 22, 2008, February 12, 2010 and May 6, 2011

### III. MEMBERS *(Revised 11/03/06)*

- A. Membership. Members of the Council are appointed by the Governor in a manner consistent with federal (**Developmental Disabilities and Assistance Act**) and **Texas** state law. Members shall include individuals with developmental disabilities, parents of individuals with developmental disabilities, and representatives designated by the chief executive officer representing **the following federal and state programs.**
1. **The Individuals with Disabilities Education Act**
  2. **The Rehabilitation Act of 1973**
  3. **The Older Americans Act**
  4. **Title V of the Social Security Act**
  5. **Title XIX of the Social Security Act**
  6. **State Protection and Advocacy System funded under the DD Act**
  7. **University Center for Excellence in Developmental Disabilities (UCEDD at University of Texas)**
  8. **University Center for Excellence in Developmental Disabilities (UCEDD at Texas A&M University)**
  9. **Representatives of local and non-governmental agencies concerned with services for individuals with developmental disabilities**
  10. **Representatives of private non-profit groups concerned with services for individuals with developmental disabilities**
- B. Terms. Members of the Council serve staggered terms as specified in state statute.
- C. Council Member Expenses. Council members serve without salary but are entitled to receive reimbursement for actual expenses for all approved activities consistent with Council policies and state law.
- D. Conflict of Interest. Council members shall adhere to the Conflict of Interest Disclosure Policy as approved by the Council as Appendix I.

### IX. TCDD GRANTS PROJECTS *(Revised 05/06/11)*

- A. Scope
1. As authorized by 40 TAC 112.020 (a)(3), the Council may contract or provide grants to public or private organizations to implement the TCDD State Plan for Texans with Developmental Disabilities, if funds are available.
  2. These sections govern the submission and review of project proposals and the award, amendment, and termination of project contracts.
- B. Overview of TCDD Grants
1. The Council will identify priorities for funding projects based on the approved TCDD State Plan for Texans with Developmental Disabilities.
  2. Sources.
    - (a) The Council may solicit proposals from state agencies, non-profit organizations, or private for profit organizations that have organizational expertise related to the requirements of the proposal.

- (b) Unsolicited proposals may be submitted by organizations consistent with procedures approved for such submissions by the Project Development Committee.
  - (c) The Council may develop projects with organizations without competitive proposals when only one known best expert is available, for business necessity, or when otherwise allowed by Council determination.
  - (d) Nothing herein shall be construed to prohibit any firm, agency, or organization with which any member of the Council is associated from receiving a grant from the Council providing the Council member does not receive compensation or financial gain from the grant as **outlined in the Conflict of Interest policy**.
3. Requests for Proposals will be published in the Texas Register and a notice will be provided to organizations on the Council's Web site and mailing list.
  4. TCDD may reject all applications submitted in response to a request for proposals and may cancel a grant solicitation at any point before a grant award is finalized.
  5. Council staff provides technical assistance and support to grant projects including training for new grantees. Council staff also monitor grantee accomplishments and compliance with TCDD Grants procedures by conducting one or more on-site monitoring visit(s) to each grant project annually unless otherwise provided by a risk assessment methodology approved by the Audit Committee. Summary reports of on-site visits are provided to the Executive Committee.
  6. TCDD funds shall not be used to conduct clinical research.
- C. General Selection Criteria
1. Grants shall be awarded based on guidelines that reflect state and federal mandates. Selection criteria shall be designed to select applications that provide best overall value to the state and to the Council.
  2. Evaluation Criteria shall include but not be limited to:
    - a. program quality as determined by a peer review process; and
    - b. the cost of the proposed project.
  3. The Council may consider additional factors in determining best value, including:
    - (c) financial ability to perform services;
    - (d) state and regional needs and priorities;
    - (e) improved access for unserved or underserved areas and or groups of individuals;
    - (f) ability to continue services after conclusion of grant funding, if applicable; and
    - (g) past performance and compliance.
- D. Application Requirements
1. Council staff shall develop a "Grant Application Packet" for each Request for Proposal. Grant Application Packets shall be available upon request from the Texas Council for Developmental Disabilities with each Request for Proposal and will be made available at the Council's Web Site.
  2. The Grant Application Packet will include at a minimum:
    - (a) goals describing the purpose for the grant program;
    - (b) eligibility requirements;
    - (c) description of the project activities and outcomes;
    - (d) application forms and instructions;
    - (e) application requirements and restrictions; and

- (f) selection criteria and the process to evaluate grant proposals and select proposals for awards.
  - 3. The Applicant shall use the format included in the Grant Application Packet. A proposal which is submitted in a format that is substantially different from the Council's format will not be considered.
  - 4. Proposals received after the closing date will not be considered, unless an exception is approved. The Executive Director is authorized to approve requests for exceptions for good cause received prior to the closing date. Exceptions requested after the closing date may be approved only by the Executive Committee. Any exceptions shall be documented in writing and retained as part of the grant application file.
  - 5. Projects seeking continuation funding may have separate application forms, instructions, and procedures, as determined by Council staff.
- E. Screening of Proposals
- 1. Council staff will screen applications to determine if all information has been provided in a timely fashion, on prescribed forms.
  - 2. An application must be complete for consideration and shall include a signature by the proper authorizing official.
  - 3. Council staff will provide written notification to applicants eliminated through the screening process.
- F. Peer Review Process
- 1. The Council shall use peer reviewers to evaluate proposals submitted in competitive requests for proposals, exclusive of stipends grant proposals when the award is greater than \$15,000.
  - 2. Council staff shall serve as the review panel for stipends grant proposals and for other grants when authorized funding \$15,000 or less yearly.
  - 3. All reviewers shall disclose any conflicts of interest with individuals associated with applications to be reviewed.
  - 4. The Executive Director shall submit recommendations for Review Panel members to the Executive Committee for approval. Council members and staff will be asked for suggestions of professionals and public citizens to evaluate proposals. Reviewers may not evaluate proposals in which there is, or is an appearance of, a conflict of interest.
  - 5. Council staff shall provide written instructions and training for all Review Panel members.
  - 6. Council staff shall convene a meeting with each Review Panel and shall record the summary evaluation of the review of each proposal.
- G. Funding Decisions
- 1. Council staff shall submit a recommended priority ranked list of applicants for possible funding. Final approval of organizations to receive grant funding exclusive of stipends grant awards, shall be determined by the Executive Committee.
  - 2. Final approval of organizations to receive grant funding for stipends projects shall be made by the Executive Director. Notice of such actions shall be provided in a timely manner to the Executive Committee and Council.
  - 3. Council staff may negotiate with selected applicants to determine the final terms of the award. To receive an award, the applicant must agree to perform the activities as presented in the request for proposals and accept any additional or special terms or conditions listed in the grant award and any changes in the grant application. Any revisions to the project proposal shall become part of the grant award and shall be documented in writing.

4. Grant awards shall contain appropriate provisions for program and fiscal monitoring and for collection and submission of evaluation data and related reports.
5. Applicants must give assurances that the grantee will abide by the terms of the grant award; the Uniform Grant Management Standards (UGMS) adopted by the Governor's Office of Budget and Planning, and federal Rules related to these funds promulgated by the Office of Management and Budget (OMB) where applicable, as determined by Council staff; and these policies.
6. The Council Executive Director may negotiate and approve changes in the project proposal that address concerns and weaknesses noted from the review process, and/or which assure consistency with the intent of the RFP. Any revisions to the project proposal shall become part of the grant award and shall be documented in writing.
7. Council staff shall notify unsuccessful applicants in writing.

#### H. Continuation Funding

1. Projects may be eligible for continuation funding as specified in the original request for proposals. Continuation funding will not be automatic. Consideration for continuation funding will include a review of the project's accomplishments, progress toward stated goals and objectives, financial management of grant funds, compliance with reporting requirements, review of the most recent project audit, review of findings from TCDD onsite reviews, and development of alternative funding. The grantee shall submit a proposal for continuation funding as requested by TCDD staff.
2. The Executive Committee may approve continuation grants after a review in accordance with the provisions of these policies. A summary of past accomplishments and future activities of each project awarded continuation funding shall be provided to the Council.

#### I. Appeal of Funding Decisions

1. Appeals may be submitted from applicants for grants who did not receive funding or from grantees whose grants have not been awarded continuation funding. The person or entity appealing shall be known as the appellant. **An appeal is not an opportunity for an applicant to provide additional information that could have been included in the original proposal. To do so would create a two-stage review process that is not part of the Council's current policies.**
2. Appeals of funding decisions shall be received, processed, and resolved with fairness and promptness.
3. The appellant shall file an appeal in writing addressed to the Executive Director. The written appeal must be postmarked within 10 workdays of the date of the written notice of suspension or within 15 workdays of the date of written notice of denial or of continuation funding. The written appeal shall include all relevant facts and information that the appellant wishes to have considered as well as the proposed remedy being sought. The Executive Director will acknowledge receipt of the letter with a copy to the Executive Committee.
4. The Executive Director will investigate, compile, and study all relevant information about the appeal and, within 30 workdays of the receipt of the appellant's letter and submit a written report to the Executive Committee. The report will contain recommended action and the evidence supporting the recommended action. **The report may not include an evaluation of additional information provided by the appellant when such information could have been included in the original proposal.**
5. The Executive Committee may approve the recommendations of the executive director, make such modifications as deemed appropriate, order further investigation, or take other appropriate action.
6. The decision of the Executive Committee is final.

7. Council staff shall notify the appellant of the final determination of the appeal.

**J. Payment Withhold of Grant Funding**

1. The Executive Director may grant a payment withhold of grant funding for a grant project prior to the end of the grant budget period pending the result of corrective measures if a grantee fails to comply with the terms of the grant, after consulting with the Council Chair. The Executive Committee shall be notified of any payment withhold.
2. TCDD shall provide written notice to the grantee of the proposed payment withhold of grant funding at least 10 business days (2nd revised deadline) prior to any withheld payments.
3. That notice shall state the reasons for the payment withhold of funding and the procedure for requesting reconsideration.
4. If report(s) are not received by the 2nd revised deadline (10 business days from the initial request), TCDD will implement an immediate hold on all payments to the grantee pending receipt of any late report(s).
5. When late reports are received from a project after a payment hold has been initiated, TCDD will restore payment for requests pending for not more than 60 calendar days but may partially restore payments for the any period beyond 60 calendar days in arrears as outlined.
6. The payment withheld will be rescinded and any outstanding payment requests processed, except that:
  - (a) Payments will be restored for only the past 60 calendar days. Reimbursements for any period of a payment withheld for more than 60 calendar days may be partially restored in the following manner:
    - i. Payments for the period from 60 – 90 calendar days will be restored at 90% of the requested amount.
    - ii. Payments for the period from 90 – 120 calendar days will be restored at 50% of the requested amount.
    - iii. Payments for the period longer than 120 calendar days past will not be restored.
7. A Notice of Grant Award for any project that is more than 60 calendar days late in submitting required reports will be prepared with a payment hold in place until all reports are received. The same schedule for reducing the amount of payments restored as noted above will apply.
8. Any reports required from the prior grant award period will cause the subsequent award to be subject to the same payment withhold process and schedule for partially restoring payments.
9. In the event that withheld payments are not fully restored, the grantee may appeal to the Executive Director. Any appeal will be considered by the Executive Committee at its next regularly scheduled meeting. Actions of the Executive Committee on such appeals are final.(Item I – Appeals)
10. Payment withhold will remain in effect until the grantee has taken corrective action, given an assurance approved by the Executive Director that the corrective action will be taken, or the grant is suspended.

**K. Suspension of Grant Funding**

1. The Executive Director may suspend grant funding for a grant project prior to the end of the grant budget period pending the result of corrective measures if a grantee fails to



comply with the terms of the grant, if anticipated outcomes or deliverables are no longer viable, or if the original purposes for which funding was approved are no longer evidenced. The Executive Committee shall be notified of any suspensions.

2. TCDD staff shall provide written notice to the grantee of the proposed suspension of grant funding at least 10 workdays prior to any suspension except as provided by Section L, Subsection 3. That notice shall state the reasons for the suspension of funding and the procedure for requesting reconsideration.
3. A suspension may be effective immediately if, after consulting with the Council Chair, the Executive Director determines that delayed action does not protect the interests of the Council.
4. A grantee shall have the opportunity to request reconsideration of the suspension of grant funding. The grantee must provide a written request for reconsideration to the Executive Director no later than 10 workdays after receiving notice of suspension of funding. A request for reconsideration must include all facts and information the grantee considers to be relevant to the situation and a proposed plan of correction. If a grantee does not request reconsideration in writing within the specified time period the grantee will be deemed to have waived any further review and grant funding will be suspended.
5. If the Executive Director determines that the responses of the grantee are not satisfactory, the grantee's authority to obligate funds may be suspended. TCDD staff shall provide the grantee a written notice of suspension that will set the effective date for suspension and identify any allowable costs that the grantee may incur during the period of suspension.
6. Suspensions remain in effect until the grantee has taken corrective action, given an assurance approved by the Executive Director that the corrective action will be taken, or the grant is terminated.

**L. Termination of Grant Funding**

1. The Council or the Executive Committee may terminate grant funding prior to the end of the grant budget period if a grantee fails to comply with the terms of the grant, if anticipated outcomes or deliverables are no longer viable, or the original purposes for which funding was approved are no longer evidenced.
2. The Executive Director may recommend to the Executive Committee termination of grant funding if corrective actions are not taken during a suspension period or if the corrective actions are not sufficient to remedy the concerns. In such instances, the Executive Director shall provide a summary report to the Executive Committee including the reasons for which a termination of funding is recommended, additional information provided by the grantee pursuant to a request for reconsideration, if any, corrective actions proposed by the grantee, and the proposed date for termination of funding.
3. The grantee shall be provided written notice of the recommendation to terminate funding at least 10 workdays prior to the meeting of the Executive Committee to consider that recommendation. Such notice shall include the date and location of the Executive Committee meeting where the recommendation to terminate funding will be considered.
4. The decision of the Executive Committee is final.
5. The Executive Director may also recommend to the Executive Committee that grant funding be terminated without an initial suspension of funds. In such instances, the grantee will be provided written notice of the recommendation to terminate funding at least 45 calendar days prior to the proposed termination. That notice shall state the reasons for the termination of funding, the proposed date of termination, and the procedure for requesting reconsideration.



6. The grantee shall have the opportunity to request reconsideration of the proposed termination-by filing a written request for reconsideration with the Executive Director not later than 10 workdays after receiving notice of the proposed termination.
7. If circumstances warrant, grant funding may be terminated by the Executive Committee or Council for cause without notice of suspension when delayed action does not protect the interests of the Council. In such instances, TCDD staff shall provide written notification of the termination which shall include the reason(s) for such action and instructions for termination or closeout of the grant.
8. Grant funding may also be terminated may by mutual agreement or by the grantee when the grantee's authorizing official gives written notification to the Executive Director. TCDD staff shall provide written notification of termination by joint agreement, or written acknowledgement of the termination notice if by the grantee. Such notice or acknowledgement shall include written instructions for termination or closeout of the grant.
9. The TCDD Executive Director may approve TCDD assuming the federal share of any obligations that cannot be cancelled.
10. A grant, or portion thereof, may also be terminated at the grantee's request by approval of the TCDD Executive Director.
11. Between the time of the proposed termination and the final decision of the Executive Committee, TCDD may withhold further funding. In the event the Executive Committee's decision is favorable to the grantee, the funds shall be promptly distributed to the grantee.

**M. Financial Monitoring and Independent Audits**

1. Independent audits of grantees are required for each year of funding in accordance with the requirements of OMB Circulars and Texas Uniform Grant Management Standards.
2. Project specific independent audits, annual independent review by a qualified CPA, agreed upon procedures of engagement for review by a qualified CPA, and/or other monitoring strategies shall be required of grantees not subject to annual independent audit requirements by OMB or UGMS. Appropriate monitoring strategies shall be based on an assessment of risk of each grantee and procedures approved by the Audit Committee.
3. The Council shall reimburse the grantee for the reasonable cost of the required audit or other required monitoring activity. TCDD staff shall determine the need for independent audits of grantees receiving less than \$100,000 annually of DD funds based on an assessment of risk of each grantee.
4. Staff shall provide to the Audit Committee a summary of the findings of each independent audit or required monitoring activity and the status of corrective actions required.

**N. Funding Restrictions**

Grantees will be subject to the following funding restrictions, unless statute or Council rules require otherwise:

1. TCDD shall provide not more than 75% of the total project costs from federal DD funds except for activities in designated poverty areas in which case federal funds provided by the Council shall be not more than 90% of total costs.
2. The Executive Director may reduce or waive the matching requirement of individual grant projects when deemed appropriate and shall report any such waiver to the Executive Committee.
3. Grantees are responsible to provide funds for the additional costs of project activities from non-federal sources.
4. DD funds are allowed for indirect administrative costs up to 10% of total project expenses. Any portion of indirect costs above 10% may be allowed as part of the required non-federal participant share.

5. Donated time and services may be included as a match contribution unless otherwise restricted by a specific request for proposals.
6. Council staff shall provide information about allowable non-federal sources of funds upon request.
7. No organization shall receive more than three (3) grants from the Council at any time.
8. Unallowable costs.  
Information is available from Council staff concerning unallowable costs. Such costs will include but are not limited to the following:
  - a. bad debts;
  - b. entertainment;
  - c. legislative expenses;
  - d. expenses required to be reported as lobbying by state statute; and
  - e. merit salary increases that total more than 5% of an individual's salary during a 12 month period.
9. Any revenues received from projects funded by the Council must be reported quarterly on forms provided by the Council. Council staff must approve use of such funds.

○ TCDD Grants Policies and Procedures

1. All grantees shall receive a TCDD Grants Manual that contains all requirements, procedures, and reporting forms for grantees.
2. The Executive Director will approve all revisions to a project work-plan, including performance measures, staffing pattern, or budget, providing the changes are within the total budget and general scope of work approved by the Council.
3. A grantee seeking to increase the authorized funding amount, length of project, or scope of work shall file a request with the Council. The request shall be submitted to the Executive Director with a justification for the change. The Executive Director shall review the request and make a recommendation to the Council. The Council's decision to approve or deny the request is final.

**COUNCIL PROCEDURES*****Revisions Approved – May 2011***

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**COUNCIL PROCEDURE 11. MEMBER TRAVEL EXPENSE REIMBURSEMENT POLICY**

1. **General.** State statute authorizes Council members to receive reimbursement for "actual expenses incurred in performing their duties, including travel, meals, lodging, and telephone long distance charges" (112.015 HRC, V.T.C.A.). Separately, language in the state appropriations act also directs agencies to conserve funds by maximizing economy and efficiency when planning travel, and stipulates that travel reimbursements are for "necessary and reasonable expenses" ... "only when the purposes of the travel clearly involve official state business..." It is therefore the policy of the TCDD that:
  - a. Council members are encouraged to stay at the hotel where rates have been negotiated by staff, or at a hotel with comparable state government rates. When group rates have not been negotiated, members are eligible for lodging expenses that are reasonably comparable to "state government rates" in that location. Reimbursement for lodging for Council members may not exceed twice the maximum rate for state employees.
  - b. Council members shall be eligible for reimbursement for actual expenses for meals, but not more than twice the maximum rate for state employees. An overnight stay is not required for reimbursement for actual meal expenses.
  - c. Council members are expected to attend the majority of the event for which travel reimbursement is requested. If the member also conducts non-Council business while in the same location, it is expected that travel expenses will be allocated accordingly to Council and non-Council business.
  - d. Council members may receive reimbursement for reasonable and necessary personal assistance services, including attendants and respite care. Reimbursement for travel expenses for personal attendants is limited to the same amounts as would apply to the Council member.
2. **Travel Advance.** Council members may request a travel advance to avoid financial hardship due to Council related travel expenses.
3. **Exceptions.** Recognizing that individual circumstances may require exceptions to the expense limitations noted above, the Chair of the Council is authorized to make final determinations of "reasonable and necessary expenses" which are in excess of these amounts.
4. **Travel Events.** Reimbursement for travel expenses will be authorized in the following situations:
  - a. Travel expenses to attend Council and Committee meetings are authorized in advance and do not require prior approval of the Chair except as noted below.
  - b. Travel expenses are also authorized in advance to attend meetings on behalf of the Council, to speak or testify on behalf of the Council, or to otherwise act as a Council representative at the request of the Council Chair or the Executive Director.
  - c. Council members may request approval to attend a conference, workshop or other event related to the Council's business, including events coordinated by TCDD grantees with funds awarded by the Council. In general, approval will be limited to no more than one such event per year for each Council member. The requesting member must demonstrate the importance to the Council of the event in the justification on the travel request form. The requesting member is responsible to submit a travel request form in advance and submit for consideration by the Chair.
5. **Agency Representatives:** Members who are representatives of State Agencies (or their alternates) are eligible for reimbursement for travel expenses in the same manner as all other Council members except that Council policy asks that their agency be responsible for travel expenses for the first Council or Committee meeting during the fiscal year. Otherwise, these guidelines are applicable to all Council members.

**6. Exceptions.**

- a. Council members are not eligible to receive reimbursement for travel expenses from TCDD funded stipends grantees.
- b. In general, Council members should not receive reimbursement from other TCDD funded grantees for travel expenses. Exceptions may be approved in advance by the Executive Director or Chair.

**7. Travel Guidelines and Reimbursement Procedures.**

- a. **State Contracted Travel Vendors.** State travel regulations require all persons traveling on state business, including Council members, to use the contracted state travel vendors and follow all state travel rules.
- b. **Air Transportation.**
  - i. TCDD staff will purchase airline tickets for Council members through a direct billing process. Please contact the TCDD Executive Assistant with the dates and times of travel so that she may make the appropriate arrangements. Confirmation will be e-mailed or faxed to the member.
  - ii. Even though airfare is charged directly, **airline receipts must be submitted** with a reimbursement request.
  - iii. First class airfare is not payable unless it is the only flight available to conduct Council business or is required as a reasonable accommodation.
  - iv. Cancellation charges are payable only if travel was canceled for a TCDD business-related reason.
  - v. If Council members depart from a location other than their home city and travel to conduct approved Council business, reimbursement is limited to the average coach airfare between their home city and destination or departure point and destination, whichever is less.
- c. **Lodging.**
  - i. Council members are **not** exempt from state, county, and local hotel/motel occupancy tax and will be reimbursed for these charges
  - ii. Original lodging **receipts** are required. If the receipt is lost, a copy of the receipt, a copy of the canceled check, a credit card slip or letter from the hotel/motel will be accepted as proof of payment. The receipt must include the following information:
    - Date(s) of travel
    - Name of traveler
    - Name of hotel/motel
    - Amount of lodging charge
    - Number of people occupying room
- d. **Meals. Receipts** are not required but meals should be itemized on back of travel expense record. Please note: reimbursement is not allowable for some items including liquor, tips, and entertainment.
- e. **Personally Owned Automobiles.** Members are entitled to be reimbursed for mileage incurred driving to meetings or to and from the airport, etc. Reimbursement may not exceed the actual number of miles traveled for business purposes and the current maximum mileage reimbursement rate. The number of miles allowable for reimbursement may not exceed the mileage for the most cost-effective reasonably safe route. And, the number of miles traveled may be determined by the vehicle's odometer reading or by an online mapping service such as mapquest.com

- f. Mileage is also reimburseable for travel if someone transports the member to the airport and picks them up upon their return. In those instances, the roundtrip mileage is allowable for both trips so long as it is less than the cost of parking the Council member's car at the airport. Parking fees incurred while on official state business are also an allowable expense.
- g. **Rental Cars.** The use of rental cars by Council members **must be approved by the Council Chair in advance.** In most instances, taxi or limousine services should be used since they are more economical than rental cars for Council business activities. Rental cars are also direct billed per state contracts so must be coordinated by the TCDD Executive Assistant. A receipt is required for rental cars.
- h. **Public Transportation.** The original receipts are required for airfare, bus, or trains but not for inner-city bus, taxi, shuttle, mass transit, and limousine fares. An itemized list of all claims showing destination, date, and amounts of each trip for public transportation must be shown on the Travel Voucher.

In all instances, Council members are expected to use the most economical method of transportation, considering all relevant circumstances.

i. **Personal Assistance Services.**

- i. Council members with disabilities who require personal assistance services may pay and be reimbursed for fees and actual travel expenses of an attendant not to exceed the allowable travel expenses for Council members. Receipts for fees and all attendant travel expenses are required. Attendant services fees may not exceed \$20 per hour for a 12 hour day and not more than \$35/night if an overnight stay is required without prior approval.
  - ii. If assistance is obtained by the Council member, i.e., bell hop to aid with luggage, and monies are given in return for assistance, that amount may be claimed as an "attendant cost." A receipt is required.
  - iii. Council members who require respite care services for a child with a disability during the time they are away from home are eligible for reimbursement of fees for such services not to exceed \$20 per hour for a 12 hour day and not more than \$35/night if an overnight stay is required for those hours that are in addition to what the member would otherwise have paid during that time period. Receipts for respite services fees are required.
  - iv. Reimbursements for personal assistance services may not supplant other sources of funds that would have reimbursed similar services during the same time period. Family members living in the same home as the member are generally not eligible for reimbursement for providing personal assistance services but are eligible for other travel expenses incurred when providing assistance to a council member. However, individuals who are a certified waiver provider for their family member may be reimbursed for those expenses.
- j. **Travel Advances.** Travel advances are available to assist Council members to avoid financial hardship due to Council related travel expenses. Prior approval is required. Requests for travel advances must be received by TCDD staff at least 15 workdays prior to the departure date of travel. Please contact the TCDD Executive Assistant for further information about travel advances.
- k. **Miscellaneous Expenses.** Other TCDD business related expenses such as telephone calls, postage and copying costs incurred while in travel status are also reimbursable and should be included on the travel expense record. If any of these expenses are incurred while not in travel status, please submit receipts separately and a purchase voucher will be prepared.

**COUNCIL PROCEDURES**

**REVISIONS APPROVED MAY 2011**

- I. **Individual Circumstances.** Recognizing that individual circumstances may require exceptions to the expense limitations noted, the Chair of the Council is authorized to make final determinations of "reasonable and necessary expenses" which are in excess of these amounts.
- m. **Processing of Travel Vouchers.** Once a completed Travel Expense Record is received by TCDD staff, it takes about 5-10 workdays to process in the TCDD office and the TEA Travel Section before a state warrant to be mailed to the Council member. Checks will be direct-deposited for Council members employed by a state agency unless instructed otherwise. All questions regarding processing of travel vouchers can be addressed to the TCDD Executive Assistant. Council members are asked to submit all travel expense information within 10 workdays of when the travel occurred. Reimbursement for expenses after vouchers are submitted require special approval.

Revisions Approved April 8, 2010

Approved May 6, 2011

# Executive Summary

## Higher Education Collaborative

### Project Goal

The Texas Council for Developmental Disabilities (TCDD) will fund a project to create a statewide expansion of best practices that support students with developmental disabilities to succeed in post-secondary programs that were originally designed for students without disabilities. The project will develop a sustainable Higher Education Collaborative that will include TCDD's "Higher Education for Employment" grantees and other post-secondary programs that have demonstrated success in fully including students with developmental disabilities. The collaborative would provide technical assistance and disseminate resources to develop similar programs at other institutions.

### Relationship to TCDD State Plan Goals

TCDD's FY 2012 - 2016 State Plan includes Objective 2.1 to "implement a program that provides supports and on-the-job learning opportunities to students with developmental disabilities in a post-secondary program that results in at least 80 percent of students who participate for two or more years in the program gaining jobs related to their desired careers within six months of completing their education."

The TCDD FY 2017 – 2021 Draft State Plan includes a proposed objective to support students with developmental disabilities to be more fully included in educational programs.

This project will assist TCDD to reach its goal that students with developmental disabilities have access to and benefit from post-secondary education.

### Funding and Duration

One project will be funded for up to five years.

Each organization proposing a project will include the funding amount needed to achieve the expected outcomes. TCDD will ensure the proposed funding is appropriate for the staffing, consulting, travel, materials development, evaluation, and other activities or resources needed to meet the expected outcomes and achieve sustainability. Grantees will be expected to provide match per TCDD guidelines.

### Background

*"Education is not a problem. Education is an opportunity" –Lyndon B. Johnson 36<sup>th</sup> U.S. President*

Education provides an individual with an opportunity to increase their understanding about themselves, their families, friends, peers, and their community. Additionally, post-secondary education opens the door to expected and unexpected opportunities, such as increased employment opportunities and development of personal connections and relationships that allow one's world to grow.



TCDD currently funds three highly-successful higher education projects to develop, demonstrate, and evaluate inclusive models of post-secondary education through which students with developmental disabilities receive needed supports to succeed in post-secondary education programs designed for students without disabilities. Examples of the support services provided include, but are not limited to: implementing a summer program to prepare enrolled students for school before the school year starts; providing individualized supports to assist and encourage the student to remain in the program and/or to be able to attend classes; collaborating with other schools and the Department of Assistive and Rehabilitation Services; and partnering with businesses to provide internships. Texas Tech University, Texas A&M University, and the Texas Department of Assistive and Rehabilitation Services received grants to implement these projects. Below are short summaries of the programs funded by TCDD.

### **Texas Tech University Project CASE (Connections for Academic Success and Employment)**

Project CASE served students attending institutions of higher education, including both a university and a local community college. As of December 2015, Project CASE had served a total of 48 students and graduated 14 students. Ten have been competitively employed since their graduation, and five students are in non-paid internships. Two students completed their Associate's Degree, transferred to Texas Tech University, and are now working towards their Bachelor's degree. Four students who completed a Bachelor's Degree at Texas Tech have been accepted into graduate programs in psychology, architecture, computer programming systems, and mass communications.

### **Texas A&M University Bridge to Career in Human Service**

Texas A&M's (TAMU) Bridge to Career in Human Services created a summer program that provides training and support for students to learn the skills needed to be successful in TAMU's PATH program, which is a two semester certificate program that prepares graduates to be *Direct Support Professionals*. The summer program also teaches students what they need to know and do in order to be successful in their practicums. In the summer of 2014, 42 students were admitted to a 5-week summer program; 26 of these students continued in the fall program. For the 2015 academic year, the project received 74 applications, and 31 students were admitted. In May 2015, 18 of the students from 2014 graduated from the program. All 18 students are either employed, enrolled in other post-secondary education programs, in the process of being interviewed for employment, and/or are volunteering. Another institution of higher education, Blinn College, reviewed the course modules and selected the modules for the PATHS curriculum that will transfer as college credit at Blinn College.

### **TX Department of Assistive and Rehabilitation Services Project HIRE (Helping Individuals Reach Employment)**

The Department of Assistive and Rehabilitative Services' (DARS) Higher Education Project HIRE (Helping Individuals Reach Employment) project supports individuals with developmental disabilities to complete post-secondary education at South Texas College (STC). Vocational Rehabilitation (VR) supports are supplemented with wrap-around services. At the end of the fall semester, the GPA for all Project HIRE participants remained at a 2.7 cumulative GPA. Four students graduated in December 2014 with STC Certificates in office management, culinary arts, mechanics, and multi-media specialist. Business mentoring continued for 15 Project HIRE participants.

With the support of DARS, Project HIRE's replication efforts successfully resulted in the launch of Project HIGHER at the El Paso Community College (EPCC) in the summer of 2015. Project HIGHER partners include DARS, EPCC, Region 19, University of Texas El Paso (UTEP), and Volar Center for Independent Living. UTEP Master-Level Educational Coaches provide the one-on-one support for six EPCC students with disabilities to help the students meet their post-secondary educational goals. DARS assists with the funding to pay for the coaches.

## Project Description

The Higher Education Collaborative will provide educational resources, technical assistance and infrastructure development allowing for universities, colleges, and technical schools to recruit, retain, graduate, and transition students with disabilities into employment and/or meaningful day activity. The selected entity will support at least ten other campuses across the state to replicate the best practice models (models that have evidence they achieve the intended outcomes) and evaluate their success.

The collaborative will be expected to ensure that new programs recruit and support students from diverse cultures.

TCDD expects the grantees to meet the goals and outputs identified above and also to:

- Develop a Higher Education Collaborative to expand post-secondary options for students with developmental disabilities. The grantee should partner with TCDD's Higher Education for Employment grantees and other programs that support students with developmental disabilities to take classes at post-secondary institutions.
- Gather information about gaps and system changes that are needed to support successful transitions of people with disabilities to post-secondary programs.
- Provide technical assistance to and support at least ten institutions to implement innovative approaches and program models that provide post-secondary education for people with disabilities. (Texas has 101 four-year universities/colleges; 32 of these belong to one of the six university systems. This does not include technical institutes or two-year community colleges in Texas community colleges.)
- Plan and implement approaches to increase public awareness about post-secondary education options. This may involve developing "How To" manuals, a website, or other materials that assist students with disabilities complete enrollment process such as entrance exams, financial assistance applications and continuations.
- Develop and implement an evaluation plan to measure the outcomes of students after leaving the post-secondary programs developed.
- Ensure the sustainability for the collaborative and make recommendations for the sustainability of the programs developed.

There are other programs in a few areas of the state that support students to participate in classes at post-secondary institutions. Some of these programs have created partnerships, such as the "Texas Consortium for Post-Secondary Opportunities for People with Intellectual and Developmental Disabilities." Although they have had a positive impact on many students, have developed legislative support, and are promoting increased higher education options for students with developmental disabilities, they do not have sufficient funding and resources to be able to conduct the activities needed to achieve the outcomes noted above. They would be eligible to apply for this grant and, if selected, could build on what they have already established.

## Other Considerations

The Federal Higher Education Opportunity Act of 2008 included provisions to assure equal college opportunities for students with disabilities. Specifically, the Act:

- Establishes a national center to provide support services and best practices for colleges, students with disabilities, and their families.
- Helps colleges recruit, retain, and graduate students with disabilities and improves education materials and facilities
- Expands eligibility for Pell Grant scholarships and other need-based aid for students with intellectual disabilities.

While the Act does not appear to have resulted in a significant increase in programs in Texas, the national center and the expanded eligibility for Pell Grant scholarships might provide resources that could significantly benefit the programs developed. The grantee should be (or become) familiar with the Act.

# **Executive Summary**

## **Promotion of Supported Decision-making and Alternatives to Guardianship**

### **Project Goal**

The Texas Council for Developmental Disabilities (TCDD) will collaborate with others to develop and implement in-depth training across the state for individuals with developmental disabilities, their family members, providers of services and support, educators, and other community members who are likely to be involved in guardianship processes or in promoting supported decision-making and other alternatives to guardianship.

### **Relationship to TCDD State Plan Goals**

TCDD's FY 2012 - 2016 State Plan includes Objective 5.5 to "develop opportunities to partner with people who have developmental disabilities, families, providers, medical schools, licensing and certification boards, agencies, and/or community-based organizations to provide or develop training and/or practice guidelines that include knowledge related to disability and incorporate components of successful TCDD projects."

The TCDD FY 2017 – 2021 Draft State Plan includes a proposed objective to collaborate with others to expand the appropriate use of alternatives to guardianship.

This project will assist TCDD to reach the objectives included in both state plans.

### **Proposed Funding Contribution**

This will be determined when collaborators and their respective roles have been identified. TCDD would be significantly involved in this project.

### **Proposed Duration**

Five years.

### **Background**

The vast majority of people with disabilities, including those with developmental disabilities are able to make important decisions, independently or with support, without the need for a guardian. Decision-making is a learned skill – people with developmental disabilities, need the opportunity, experience and support to learn to make well informed decisions. Supported decision-making services, long term services and supports and other alternatives to guardianship can be essential legal ways to assist people with decision-making that do not restrict, limit or remove individual rights.

The Guardianship Reform and Supported Decision-Making (GRSDM) workgroup is an ad hoc collaboration of organizations; individuals with physical, mental, intellectual and other developmental disabilities; seniors; social workers; and representatives from the legal community. GRSDM was a driving force behind the significant changes adopted by the 84<sup>th</sup> Texas Legislature that became law in September 2015. TCDD and the other Texas DD Network Partners - Disability Rights Texas (DRTx), the

University of Texas Center for Disability Studies (CDS), and the Texas A&M Center on Disability and Development (CDD) - have been actively engaged with the GRSDM.

GRSDM developed seven policy proposals related to advancing alternatives to guardianship, enacting supported decision-making, providing rights and protections for people under guardianship and implementing person first language in guardianship.

The 84<sup>th</sup> Texas Legislature enacted five of the proposals advancing alternatives to guardianship and supported decision-making. These changes significantly advance the rights and protections for individuals with disabilities. To achieve the goals of guardianship reform there must be statewide monitoring, accessible and useable information, training and technical assistance provided to individuals with disabilities, families, courts, attorneys, guardians, educators, medical providers and state and local providers of services and supports.

TCDD recently awarded a grant to DRTx for \$40,000 per year for up to three years to provide training to target audiences, including, but not limited to: probate and county court judges, and probate attorneys. DRTx will develop outreach plans and training materials tailored to each audience. The materials will include information about alternatives to guardianship, such as: limited guardianships, Medical Power of Attorney, Durable Power of Attorney, HIPPA releases, and supported decision-making agreements. DRTx will also provide training to the groups noted above and to individuals with disabilities and family/supporters as they are able. However, the small funding amount does not allow for the in-depth training that individuals with developmental disabilities and family members may need to be able to understand and enter into supported decision-making agreements, nor does it allow for training across the state, particularly in rural areas.

## **Project Description**

This project would provide:

- Statewide training that is relevant and easily accessible to individuals with developmental disabilities and family members. This may require training in small groups, provided over a period of time and/or reinforced through repetition.
- Statewide training for educational personnel, service providers including those providing medical services, social workers, and other pertinent audiences.
- Statewide training to enable individuals around the state to continue to train and support self-advocates and family members on a one-on-one basis, if needed, so that they can fully understand and implement supported decision-making and other alternatives to guardianship.

The project would develop the curricula and necessary materials to support training, which could include videos or interactive web-based instruction, and conduct evaluation activities to ensure that the training successfully imparts the understanding and skills expected.

## **Other Considerations**

The Administration on Intellectual and Developmental Disabilities requires DD Network Partners to collaborate on planned, meaningful activities. The Texas DD Partner Network have a strong history of successfully collaborating, as is evidenced by the success of their work on this issue. TCDD believes that this project would be well-suited to be implemented by the DD Partner Network, and staff have approached the Network to discuss the possibility. Should the DD Network Partners collaboratively implement this project, specific roles for each Partner would be identified. Each Partner will contribute their organization's expertise and resources to the whole.



## Emergency Preparedness Position Statement

The Texas Council for Developmental Disabilities supports the position that people with disabilities deserve respectful, prompt and efficient assistance during “shelter in place,” evacuation, and relocation resulting from a natural disaster or emergency event. Individuals must have access to appropriate and accessible transportation, shelter, medical and mental health care, and information on temporary support services. To achieve this, people with disabilities and their families, state agencies, first responders, relief workers, and local and state government must work together to create emergency preparedness systems and plans that are responsive to people with disabilities’ needs and stated preferences. There also must be a priority on people with disabilities and their families creating individual emergency preparedness plans.

The Texas Council for Developmental Disabilities supports the position that people with disabilities and their families must be involved in planning and implementing first responder and relief worker trainings that address the needs of people with disabilities in an emergency event, including accessible transportation, adherence to an individual’s existing emergency preparedness plan, and the importance of keeping families and other support networks, including service animals, together throughout the evacuation and relocation processes.

The Texas Council for Developmental Disabilities supports the following principles as integral to the health and safety of people with developmental disabilities during an emergency event:

- Individuals and families create, review and revise as necessary (at least annually) individual emergency preparedness plans, to include “shelter in place” plans, with support from long-term care services and support programs when appropriate;
- Confidentiality of personal and medical information included in an individual’s emergency preparedness plan or provided to any registry system or service provider;
- Participation of people with disabilities and families in developing local, regional, and state emergency preparedness plans, to include “shelter in place” plans, that are responsive to the needs and preferences of people with disabilities;
- Participation of people with disabilities and their families in developing trainings for first responders and relief workers on the needs of people with all disabilities during and after an emergency event, including information on invisible disabilities, self-determination, and preserving support networks; and
- Information on emergency preparedness and preparedness planning activities and resources must be available to everyone in plain language in a format that meets established accessibility standards for people with disabilities.



## Family Support Position Statement

The Texas Council for Developmental Disabilities supports the position that families should have access to supports and services needed to provide sustained care throughout the lifespan of a child, a sibling, or an adult with disabilities. ~~Family caregiving is the backbone of long term services and supports for Texans with disabilities.~~ National caregiver studies estimate that more than 85 percent of individuals with developmental disabilities reside with and rely on their families for care. Emotional, social and economic challenges accompany a family's commitment to their family member with a developmental disability.

Throughout an individual's lifespan, family support services are sometimes necessary ~~intended~~ to strengthen and maintain family connections while fostering self-determination, independence, and participation in school, job, recreational and community activities. Adequate support services must be available to people with disabilities so that they can remain in the community rather than face inappropriate institutional placements.

The Texas Council for Developmental Disabilities supports the provision of a full array of flexible, culturally competent family support services that include but are not limited to:

- ☐ adaptive equipment and or specialized clothing;
- ☐ assistive technology devices and services;
- ☐ counseling services;
- ☐ financial assistance with the extra expenses of providing support;
- ☐ home modifications;
- ☐ ~~leisure time planning; meaningful day activities;~~
- ☐ person-centered ~~comprehensive~~ planning for transition from early childhood to school, from school to adult life, and from adult life to retirement;
- ☐ personal assistance and habilitative services/direct care services;
- ☐ respite care that is affordable, safe, age-appropriate and in the most integrated setting;
- ☐ service coordination including information and referral services;
- ☐ training to empower people with disabilities and their families to advocate for lifestyles they choose and skills to effectively support their family member at home;
- ☐ transportation that is accessible and affordable; and
- ☐ vehicle ~~leisure~~ accessibility modifications.

Providers of family support services must have education and training that will prepare them to work with families and people with disabilities of all ages to maximize each individual's potential self-determination and full community inclusion ~~with their peer groups~~.

To be effective and beneficial, family supports and services must be affordable, easy to access, designed by the individual and their family, individualized based on functional needs rather than diagnosis, flexible to changing needs and circumstances, and culturally appropriate.

Approved August 8, 2014



## Guardianship and Supported Decision-Making Position Statement

The Texas Council for Developmental Disabilities supports increasing opportunities for, and protecting the civil rights and well-being of, people with developmental disabilities. The vast majority of people with disabilities, including those with intellectual and developmental disabilities are able to make important decisions, independently or with support, without the need for a guardian. ~~With the provision of supports and services, most persons with disabilities are capable of making important decisions such as where they want to live without the need for a full or limited guardian.~~

Guardianship is a legal ~~tool proceeding~~ which ~~allows a person to make decisions for another person. It also~~ removes the civil rights and privileges of a person by assigning control of ~~their~~ his or her life to someone else. ~~Although state law in Texas directs a court to encourage the development or maintenance of maximum self-reliance and independence, it is not uncommon for courts to create full guardianships that deprive individuals with disabilities of the right to make fundamental decisions about their lives.~~ The broad definition of incapacity in Texas Estates Code has a discriminatory impact by enabling a court to appoint a guardian if an adult has a physical or mental condition and is substantially unable to provide food, clothing, or shelter, to care for their physical health, or manage their own financial affairs. Even though individuals with a disability may need supports and services or assistance from others to provide for such needs, they should still be afforded able to maintain the right to make choices about these aspects of their lives.

Recent legislative changes promoting alternatives to guardianship, including supported decision-making and a bill of rights for individuals under guardianship, provide the opportunity to significantly advance the rights and protections for individuals with disabilities. To achieve the goals of guardianship reform there must be statewide monitoring and accessible and useable information, training and technical assistance provided to individuals with disabilities, families, courts, attorneys, guardians, educators, medical providers and state and local providers of services and supports.

The Texas Council for Developmental Disabilities supports ~~the following~~ changes to the guardianship system in Texas that would promote the self-determination, well-being and ~~protect the~~ rights of people individuals with disabilities:

- ☐ A person should not be presumed to need a guardian because of advanced age or the presence of a physical or mental disability.
- ☒ ~~Courts should consider alternatives to guardianship before creating a guardianship. People with disabilities should be given the opportunity to avoid or limit guardianship through a variety of alternatives including supported decision-making. Supported decision-making would allow a person with a disability to select a person or persons to help the person with disability to understand and make decisions about their own lives.~~
  - The definition of incapacity in state law should be revised to consider the person's everyday functioning, values, preferences and cognition rather than their medical diagnosis. ~~The definition of incapacity should also require the consideration of the various proactive measures that have been taken or could be taken, including the use of available supports and services, to~~

~~maximize the ability of that individual to function, and to make and communicate informed decisions.~~

- ~~o The physical examination and documentation for incapacity should be based on functional abilities with or without services and supports.~~
- ~~o Guardianship based solely on the diagnosis of intellectual disability should be prohibited.~~

- ☐ ~~Attorneys ad litem should be knowledgeable of alternatives to guardianship and supports and services that assist or could assist individuals to make their own decisions and minimize the need for guardianships.~~
- ☐ ~~A person under a guardianship should receive a copy of their guardianship orders and be informed in a manner accessible to the individual about how they may raise complaints or concerns about their guardian or guardianship to the court, including resources for further assistance.~~
- ☐ ~~A~~ The court should be required to explain the bill of rights for persons under guardianship ~~that delineates all rights, responsibilities and privileges granted under state and federal laws should be adopted in state law~~ in a manner accessible to the individual.
- ☐ ~~People who have guardians should, when possible, be able to make decisions about where they live.~~
- ☐ The term “ward” should be ~~revised~~ changed to “person individual under guardianship” in state law and supporting materials.
- ☐ A guardian should be required to meet with the person ~~under guardianship and the person’s~~ and their physician before consenting to the administration of psychoactive medication for that individual except in a medication-related emergency ~~as defined by the Section 574.101(2), Texas Health and Safety Code.~~

Approved ~~May 9, 2014~~



## **Guardianship and Supported Decision-Making Position Statement**

The Texas Council for Developmental Disabilities supports increasing opportunities for, and protecting the civil rights and well-being of, people with developmental disabilities. The vast majority of people with disabilities, including those with intellectual and developmental disabilities are able to make important decisions, independently or with support, without the need for a guardian.

Guardianship is a legal proceeding which removes the civil rights and privileges of a person by assigning control of his or her life to someone else. The broad definition of incapacity in Texas Estates Code has a discriminatory impact by enabling a court to appoint a guardian if an adult has a physical or mental condition and is substantially unable to provide food, clothing, or shelter, to care for their physical health, or manage their own financial affairs. Even though individuals with a disability may need supports and services or assistance from others to provide for such needs, they should still be able to maintain the right to make choices about these aspects of their lives.

Recent legislative changes promoting alternatives to guardianship, including supported decision-making and a bill of rights for individuals under guardianship, provide the opportunity to significantly advance the rights and protections for individuals with disabilities. To achieve the goals of guardianship reform there must be statewide monitoring and accessible and useable information, training and technical assistance provided to individuals with disabilities, families, courts, attorneys, guardians, educators, medical providers and state and local providers of services and supports.

The Texas Council for Developmental Disabilities supports changes to the guardianship system in Texas that would promote the self-determination, well-being and rights of individuals with disabilities:

- ☐ A person should not be presumed to need a guardian because of advanced age or the presence of a physical or mental disability.
  - The definition of incapacity in state law should be revised to consider the person's everyday functioning, values, preferences and cognition rather than their medical diagnosis.
  - The physical examination and documentation for incapacity should be based on functional abilities with or without services and supports.
  - Guardianship based solely on the diagnosis of intellectual disability should be prohibited.
- ☐ The court should be required to explain the bill of rights for persons under guardianship in a manner accessible to the individual.
- ☐ The term "ward" should be changed to "individual under guardianship."
- ☐ A guardian should be required to meet with the person and their physician before consenting to the administration of psychoactive medication for that individual except in a medication-related emergency as defined by the Texas Health and Safety Code.

Approved



## Children and Families Position Statement

The Texas Council for Developmental Disabilities supports the position that all children belong in families ~~where they feel loved and cared for and have the supports and opportunity to that provide love, caring, nurturing, bonding and a sense of belonging and permanency that best enables them to learn to be independent and successful, grow, develop and thrive.~~ Children with disabilities are no different from other children in their need for the unique benefits that come only from growing up in a loving permanent family ~~relationship~~. All children ~~benefit and~~ are enriched by being part of ~~an inclusive environment a family and community~~ that promotes their physical, social, and intellectual well-being and leads to independence and self-determination.

Families of children with disabilities often need supports and services to ~~sustain family life and~~ keep their children at home and included in the community. Family support services are ~~intended meant to strengthen support~~ the ~~family's role as family to continue as~~ primary caregiver, maintain family unity and prevent expensive ~~and isolating~~ out-of-home placement of individuals with disabilities; ~~maintain family unity and foster self-determination.~~

The Texas Council for Developmental Disabilities supports the position that:

- ☐ All children can and should live in a family. ~~All children need a family to best grow, develop and thrive. All children deserve the love, nurturing and permanency that are unique to family life.~~
- ☐ ~~Families come from many cultures and are multidimensional.~~ No matter its ~~composition makeup~~ or cultural background, a family is the best chance for a ~~offers a child to have~~ a home ~~and a lifelong commitment to~~ love, belonging and permanency. Parents with disabilities ~~are capable of can~~ and do provide loving ~~families and~~ homes to children.
- ☐ ~~All Families, including parents with disabilities, families~~ should have ~~available~~ the level of supports and services needed to keep their children with and without disabilities in their own homes. Family support services should include, but are not limited to, respite ~~care~~, provision of rehabilitation, habilitation and assistive technologies, personal assistant services, parent training and counseling, ~~vehicular vehicle~~ and home modifications, and assistance with ~~extraordinary~~ expenses associated with disabilities. ~~In addition, s~~
- ☐ Since the vast majority (over 85%) of individuals with disabilities reside live with families in their own households, families of children with disabilities need they need access to appropriate child care and to before- and after-school programs with the necessary accommodations to their disability provided in the same settings as other children. Child care for children with disabilities should be affordable, safe, appropriate and in the most integrated setting.
- ☐ Providers of family support services must have education and training that will prepare them to work with people with disabilities in inclusive settings to achieve this goal.

- ❑ ~~To be effective and beneficial,~~ Supports and services must be easy to access, family-driven, individualized, flexible to changing needs and circumstances, culturally sensitive-appropriate and based on functional needs rather than categorical labels.
- ❑ When children with disabilities cannot remain in their own families, for whatever reason, the first priority should be to reunite the family ~~through the infusion of~~ by offering the necessary services and supports they need to continue to be a family. When ~~that reunification~~ is not possible ~~and the family can remain actively involved in the child's life,~~ the ~~natural~~ family should be an active participant in the child's care plan and a key participant in selecting an alternate family situation for their child, including foster families, co-parenting and adoption.
- ❑ When families cannot be actively involved in their children's lives, permanency planning must occur to allow each child to live in a family.
- ❑ School districts and health and human services agencies are integral sources of information and training for parents. Coordination among school districts and outside agencies is ~~critical-necessary~~ to provide parents with accurate, timely information regarding-about services and ~~eligibility-requirements~~ supports to help their child stay in the home and transition to independent adult life.
- ❑ It is essential to guarantee that all children are safe from abuse and neglect. Support of the families of children with disabilities from this system is critical to make sure children remain in a safe, family environment and are not unnecessarily removed from families due to the absence of necessary services and supports.

~~When children with disabilities grow up in families, the community at large accepts the value of providing supports to children and families at home so that children become and remain participants and contributors to their communities.~~

The Council supports the public policy statement adopted by the State of Texas recognizing-that recognizes the value of families in children's lives and supports the development of programs, policies and funding mechanisms that allow all children to live and grow up in a family.

Approved August 8, 2014



## **Children and Families**

### **Position Statement**

The Texas Council for Developmental Disabilities supports the position that all children belong in families where they feel loved and cared for and have the supports and opportunity to learn to be independent and successful. Children with disabilities are no different from other children in their need for the benefits that come only from growing up in a loving permanent family. All children are enriched by being part of a family and community that promotes their physical, social, and intellectual well-being and leads to independence and self-determination.

Families of children with disabilities often need supports and services to keep their children at home and included in the community. Family support services are meant to support the family to continue as primary caregiver, maintain family unity and prevent expensive and isolating out-of-home placement of individuals with disabilities.

The Texas Council for Developmental Disabilities supports the position that:

- ☐ To best develop and thrive, children can and should grow up in families.
- ☐ No matter its makeup or cultural background, a family is the best chance for a child to have a home, love, belonging and permanency. Parents with disabilities can and do provide loving homes to children.
- ☐ All families should have the supports and services needed to keep their children with and without disabilities in their own homes. Family support services should include, but are not limited to, respite, rehabilitation, habilitation and assistive technologies, personal assistant services, parent training and counseling, vehicle and home modifications, and assistance with expenses associated with disabilities.
- ☐ Since the vast majority (over 85%) of individuals with disabilities live with families they need child care and before- and after-school programs with the necessary accommodations to their disability provided in the same settings as other children.
- ☐ Providers of family support services must have education and training that will prepare them to work with people with disabilities in inclusive settings to achieve this goal.
- ☐ Supports and services must be easy to access, family-driven, individualized, flexible to changing needs and circumstances, culturally appropriate and based on functional needs rather than categorical labels.
- ☐ When children with disabilities cannot remain in their own families, for whatever reason, the first priority should be to reunite the family by offering the necessary services and supports they need to continue to be a family. When reunification is not possible the family should be an active participant in the child's care plan and a key participant in selecting an alternate family situation for their child, including foster families, co-parenting and adoption.
- ☐ When families cannot be actively involved in their children's lives, permanency planning must occur to allow each child to live in a family.

- ❑ School districts and health and human services agencies are integral sources of information and training for parents. Coordination among school districts and outside agencies is necessary to provide parents with accurate, timely information about services and supports to help their child stay in the home and transition to independent adult life.
- ❑ It is essential to guarantee that all children are safe from abuse and neglect. Support of the families of children with disabilities from this system is critical to make sure children remain in a safe, family environment and are not unnecessarily removed from families due to the absence of necessary services and supports.

The Council supports the public policy statement adopted by the State of Texas that recognizes the value of families in children's lives and supports the development of programs, policies and funding mechanisms that allow all children to live and grow up in a family.

Approved

**2017-2021 State Plan Goals and Objectives [Proposed]**  
Public Comment Received December 2015 - January 2016

GOAL 1: Create and Support Promising Practices	Suggestions for Changes to Objectives	Suggestions for Implementation
<ol style="list-style-type: none"> <li>1) Review public/stakeholder input</li> <li>2) Monitor, report on existing projects (education, employment, health and fitness)</li> <li>3) Create/support/evaluate practices that demonstrate: <ol style="list-style-type: none"> <li>a) People with developmental disabilities can have jobs of their choice and keep benefits</li> <li>b) Full inclusion in education (include higher education)</li> <li>c) Support for people with complex medical or behavioral health needs</li> <li>d) Community-based non-work activities</li> <li>e) Full inclusion in community organizations</li> <li>f) How to address needs of diverse groups/cultures</li> <li>g) How to address needs of people with developmental disabilities and caregivers who are aging</li> </ol> </li> </ol>	<ul style="list-style-type: none"> <li>• Support healthy relationships, including healthy sexuality</li> <li>• Include caregivers</li> <li>• Teach children with disabilities about God</li> <li>• Develop reliable, accountable service to do paperwork, service seeking and monitoring for adult with disability</li> <li>• Add point to point rides on campus at state universities</li> <li>• Improve the housing situation</li> <li>• Develop alternate supported housing or group home models for people with dual diagnosis</li> <li>• Inform the justice system on state services that allow people with developmental disabilities to live in their communities</li> <li>• Create community-based person-centered practices in the Coastal Bend</li> <li>• Define "promising practice" and state how it will be determined</li> <li>• Rewrite goals/objectives with less jargon and to be more measurable (example: create and pilot are two actions requiring two distinct end dates. How would you monitor action accomplishment?)</li> <li>• Rephrase "goals identified as important to them" - it could be misleading</li> </ul>	<ul style="list-style-type: none"> <li>• (Re: Obj. 1) Provide more information on how individuals with disabilities will be contacted and their input documented (mentioned four times). It appears that projects have already been designed without collected input.</li> <li>• Publicize efforts</li> <li>• Make training on accessing benefits and how easy it is to lose them more universal</li> <li>• (Re: Obj. 3.a) Ensure that families can access the training and information</li> <li>• Realize that people need more understandable materials and individualized, in-person help</li> <li>• Partner with the 22 ADRCs across the state (2)</li> <li>• Increase the number of up-to-date studies about people with IDD who are aging</li> </ul> <p>Question: Will objectives be prioritized?</p>

**\*A number in parenthesis [e.g. (2)] indicates how many times this issue or item was suggested.**

**\*65 comments on Goal 1 were provided; 28 expressed general support of the goal or specific objectives.**



**2017-2021 State Plan Goals and Objectives [Proposed]**  
Public Comment Received December 2015 - January 2016

<b>GOAL 2: Improve and Expand Existing Community Based Systems</b>	<b>Suggestions for Changes to Objectives</b>	<b>Suggestions for Implementation</b>
<ol style="list-style-type: none"> <li>1. Promote sustainable ways to expand successful initiatives</li> <li>2. Support people with disabilities to improve transportation planning</li> <li>3. Expand capacity to prevent unwanted institutionalization and help people leave institutions</li> <li>4. Expand access to medical, behavioral health services</li> <li>5. Advocate for policy to: <ul style="list-style-type: none"> <li>• Remove barriers to employment</li> <li>• Improve education policy</li> </ul> </li> <li>6. Collaborate to expand use of Alternatives to Guardianship</li> <li>7. Collaborate to promote use of Person Centered Thinking</li> <li>8. Collaborate to reduce cultural and linguistic barriers to services</li> </ol>	<ul style="list-style-type: none"> <li>• Add point to point rides on campus at state universities</li> <li>• Collaborate and advocate for Person Centered Planning (PCP)</li> <li>• (Re: Obj 3) Include examples of how to avoid institutionalization</li> <li>• Assist communities that have very few providers; support new providers</li> <li>• Use "science-based, data driven" efforts to improve services based on data and not opinion or political orientation</li> <li>• Address housing needs, including supported housing (housing mentioned three times)</li> <li>• Specify that reducing the waiting lists for Medicaid Waiver programs will be addressed</li> <li>• Provide funding for families to visit legislators</li> <li>• Address needs in rural areas</li> <li>• Promote defined and appropriate nurse/client ratios</li> <li>• Rephrase "goals identified as important to them" - it could be misleading</li> <li>• Name collaborators</li> <li>• Be more specific and write all objectives to be measurable</li> </ul>	<ul style="list-style-type: none"> <li>• Consider how for-profits (insurance companies, managed care, etc.), faith-based, and local authorities fit in</li> <li>• Develop partners in rural areas to build community capacity</li> <li>• Use local I&amp;R programs (211) to coordinate services</li> <li>• Partner with social workers from DSHS Children with Special Health Care Needs</li> <li>• (Re: Objective 5a) Collaborate with employers of people with IDD</li> <li>• Promote improvements to trauma informed care</li> <li>• Increase medical and behavioral services for people enrolled in Medicaid</li> <li>• Increase access to in-home or over-the-phone behavioral health intake and in-home services</li> </ul> <p>*Importance of addressing transportation was mentioned approximately 12 times</p>

\*A number in parenthesis [e.g. (2)] indicates how many times this issue or item was suggested.

\*56 comments on Goal 2 were provided; 21 expressed general support of the goal or specific objectives.

**2017-2021 State Plan Goals and Objectives [Proposed]**  
Public Comment Received December 2015 - January 2016

GOAL 3: Self-Advocates and Advocates Influence Policy and Practices	Suggestions for Changes to Objectives	Suggestions for Implementation
<ol style="list-style-type: none"> <li>1. Provide opportunities for people with dd to improve public speaking</li> <li>2. Provide access to leadership and advocacy training and networking:               <ol style="list-style-type: none"> <li>a) Provide training to self-advocates, families, allies</li> <li>b) Provide advanced training</li> <li>c) Self-advocates train other self-advocates</li> <li>d) Self-advocates provide peer supports</li> <li>e) Peers mentor people in institutions</li> <li>f) Self-advocates organize communities</li> <li>g) Support a statewide self-advocacy organization</li> <li>h) Train youth</li> <li>i) For siblings (a network)</li> </ol> </li> <li>3. Self-advocates serve on diverse leadership groups</li> <li>4. Collaborate on public policy</li> <li>5. Fund TCDD fellowships</li> <li>6. Outreach to rural, minorities</li> <li>7. Provide information to advocates</li> </ol>	<ul style="list-style-type: none"> <li>• Create more things to do or places to go in the summer</li> <li>• Give some sense of how many people you plan to help</li> </ul>	<ul style="list-style-type: none"> <li>• Partner with others to publicize efforts</li> <li>• Collaborate with DSHS social workers and the Texas Chapter of the National Association of Social Workers</li> <li>• Ensure policy fellows have disabilities</li> <li>• Include the independent living philosophy in administering policy fellows grants</li> <li>• Develop policy professionals for rural areas</li> <li>• Increase the number of outreach workers to rural areas and minority groups</li> <li>• Implement activities across the state</li> <li>• Implement activities in non-urban areas</li> <li>• Start by looking at the Arc self-advocacy groups &amp; the Sibshop program</li> <li>• Include adults supporting and adult family member in sibling groups</li> <li>• (Re: Obj. 1) Consider trying webinars</li> <li>• Expand one-on-one collaboration to make information less overwhelming</li> <li>• Provide large grants to a few organizations - small grants don't affect systems change</li> <li>• Consider only working on objectives 2.d, 2.f, and 2.g.</li> </ul>

\*A number in parenthesis [e.g. (2)] indicates how many times this issue or item was suggested.

\*48 comments on Goal 3 were provided; 26 expressed general support of the goal or specific objectives.

**2017-2021 State Plan Goals and Objectives [Proposed]**  
Public Comment Received December 2015 - January 2016

GOAL 4: Identify and Engage in Emerging Issues and Opportunities	Suggestions for Changes to Objectives	Suggestions for Implementation
<ol style="list-style-type: none"> <li>1. Provide public policy input on emerging issues</li> <li>2. Use strategic communication to increase outreach</li> <li>3. Review policy, new ideas, grant project outcomes to develop innovative new initiatives</li> <li>4. Engage in activities for continuous quality improvement</li> </ol>	<ul style="list-style-type: none"> <li>• Get input from people with disabilities and family members to identify emerging issues (3)</li> <li>• Address and provide information on all issues</li> <li>• Inform people about Community First Choice</li> <li>• Monitor and score managed care organizations</li> <li>• Create best practice policies, procedures and guidelines for managed care organizations</li> <li>• Increase funding for vocational training and higher education programs</li> <li>• Develop more events for children.</li> <li>• Provide futures planning for parents of children with disabilities</li> <li>• Provide more training</li> <li>• Study the pattern of fraud by providers</li> <li>• Note that TCDD also provides input on issues that are not “emerging”</li> <li>• Consider stating the mission and priorities in this goal</li> <li>• Make objectives more specific and consider including dates</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to promote, support and implement new ideas and initiatives based on past grant projects (“this has been a successful approach)</li> <li>• Address issues related to the aging of persons with disabilities</li> <li>• Address issues related to dual diagnosis</li> <li>• Collaborate with universities on curriculum</li> </ul>

**\*A number in parenthesis [e.g. (2)] indicates how many times this issue or item was suggested.**

**\*45 comments on Goal 4 were provided; 20 expressed general support of the goal or specific objectives.**

**COMMITTEE OF THE WHOLE  
DRAFT MINUTES  
FEBRUARY 4, 2016**

**COUNCIL MEMBERS PRESENT**

Kristen Cox,  
Council Vice-Chair  
Hunter Adkins  
Patty Anderson, DRTX  
Kimberly Blackmon  
Kristine Clark  
Gladys Cortez  
Mateo Delgado  
Stephen Gersuk

Ivy Goldstein, DSHS  
Barbara Kaatz, TEA  
Jennifer Kaut, DARS  
Ruth Mason  
Scott McAvoy  
Michael Peace  
Dana Perry  
Brandon Pharris  
Amy Sharp, UT CDS

Meagan Sumbera, A&M CDD  
David Taylor  
Lora Taylor  
John Thomas  
Richard Tisch  
April Young, HHSC  
Donnie Wilson, DADS

**COUNCIL MEMBERS ABSENT**

Mary Durham, Council Chair

Kristine Clark

Andrew Crim

**STAFF MEMBERS PRESENT**

Beth Stalvey,  
Executive Director  
Martha Cantu  
Belinda Carlton  
Joanna Cordry

Cynthia Ellison  
Danny Fikac  
Ashley Ford  
Wendy Jones  
Linda Logan

Jessica Ramos  
Fernando Rodriguez  
Joshua Ryf  
Koren Vogel

**GUESTS PRESENT**

Justin Babineaux  
Danny Castro  
Mary Castro  
Stephen Castro  
Wesley Dotson

Isabel Evans  
Shiloh Gonzales  
Rachel Harmen  
DeAnn Lechtenberger  
Megan Morgan

Darryl Powell  
Brian White  
Dan Zhang, A&M CDD

**CALL TO ORDER**

The Committee of the Whole of the Texas Council for Developmental Disabilities convened on Thursday, February 4, 2016, in the Colony Ballroom C of the Sonesta Bee Cave Austin Hotel, 12525 Bee Cave Parkway, Bee Cave, TX 78738. Council Vice-Chair Kristen Cox called the meeting to order at 9:34 AM. Council Chair Mary Durham was absent and asked Vice-Chair Cox to facilitate the meeting.

**1. INTRODUCTIONS**

Council members, staff and guests introduced themselves.

**2. PUBLIC COMMENTS**

No public comments were offered to the Committee.

**3. CHAIR AND EXECUTIVE DIRECTOR REMARKS**

Vice-Chair Cox advised that she did not have further report items.

Executive Director Beth Stalvey reported on strategic planning process activities from the National Association of Councils on Developmental Disabilities (NACDD). CDD and other state council colleagues are providing input for this process. She also reported on One Vote which is a partner

project of NACDD and other disability advocacy organizations to enhance the voting bloc of people with disabilities and protect the fundamental right of one person, one vote. More information on this project can be found at [www.onevotenow.org](http://www.onevotenow.org).

Stalvey presented highlights of the 2015 Annual Program Performance Report (APPR) which summarizes Council activities of FY 2015. The report provides a State of the State update, shows the impact of TCDD grantees and highlights public policy activities, public information activities and Council priorities and activities. Stalvey reviewed details of the State of State update which include implementation of Community First Choice, legislation on supported decision-making, state supported living center census, interest lists for community based supports, and Sunset recommendations for health and human services consolidation and to continue TCDD as an agency. Stalvey further provided details of TCDD activities and grant highlights and she reviewed input from stakeholders on what TCDD does well and what improvements can be made.

Council members shared personal updates on family activities as well as advocacy efforts related to long-term services and transition issues.

#### **4. GRANTEE HIGHLIGHTS AND PRESENTATION**

TCDD Grants Management Specialist Wendy Jones briefly discussed Texas Tech University's Higher Education Project CASE noting that with four of the five project years completed, the project has already passed the project goal to have ten students with significant disabilities graduate from the program. Jones introduced project manager DeAnn Lechtenberger and Wes Dotson to provide project highlights. Lechtenberger thanked the Council for the investment of this project. The project will allow students with significant disabilities to earn a college degree or certificate in the field of their choice and gain competitive employment after graduation. The program focuses on providing the additional societal and academic supports needed for students with developmental disabilities. She discussed barriers to obtaining accommodations and being successful in the college environment. Project CASE is fully inclusive and provides individualized supports, contains programs at the 4-year university as well as 2-year community colleges, uses strength-based assessments and programming, and emphasizes degree programs as well as competitive employment. She discussed the variety of college majors and internships that are available to students who participate in Project CASE. Dotson reviewed data of project participants noting that 26 students have completed internships, 14 students have graduated with 11 in competitive employment and 3 in graduate programs, 25 students are currently enrolled with 8 employed. Project CASE has a 76% retention rate which is equal to Texas Tech freshmen, higher than South Plains Community College freshmen, and more than double the national rate for students with disabilities.

Current Project Case student Stephen Castro along with his parents provided his personal story of his experiences in the program. Castro completed his Associate's Degree in Radio/Television at South Plains College and is currently working on his Bachelor's Degree at Texas Tech University. Castro stated that he was diagnosed with Asperger's Syndrome at the age of four and was told he would not succeed in his education. Today, with support he was able to graduate high school. He was referred to Project Case and has experienced not only academic support but has gained confidence through social activities. Castro's parents described their experiences with Stephen's education and noted that during transition planning they were pushed to enroll him in a vocational program and told "not to dream big" but through the efforts of Project CASE he has shown tremendous growth in both education and as a self-advocate.

Lechtenberger and Dotson closed with future goals for Project CASE, noting that they serve 20-25 students per year but that potentially 11,000 students with disabilities in the state of Texas could be

eligible for these type services. They noted that more information is needed about what services are available throughout the state and suggest a collaborative effort to develop and promote resources. They also offered suggestions to collaborate with the Higher Education Coordinating Board on unfunded mandates to collect data on the needs of students with disabilities and best practices for students to be successful in college.

#### **5. PUBLIC INFORMATION REPORT**

TCDD Communications Coordinator Joshua Ryf provided an update on public information activities during the past quarter. He noted that informational campaigns were conducted on Legislative Interim Committee Charges, Extending Health Care Insurance for Adult Children, public input opportunities to HHSC on IDD Managed Care Pilots, and STAR Kids.

Ryf discussed statistics related to Facebook and noted that the Texas Council has more followers than any other DD Council in the country.

Ryf explained the upcoming Side-By-Side campaign for DD Awareness month in March. The campaign celebrates togetherness by showcasing stories and photographs of people with disabilities participating in activities along with people without disabilities. Members were encouraged to participate in this social media campaign by posting pictures or stories and using #sidebyside.

Ryf discussed opportunities to profile Council members on social media with a photo and short bio to inspire others to become Council members.

#### **6. TCDD FINANCIAL REPORT**

TCDD Operations Director Martha Cantu reviewed the quarterly financial reports and explained the amounts left over for each fiscal year. She noted that while all of FY 2014 funds have been obligated, approximately \$1 million will carry over from FY 15 to grant projects. When that is added to planned projects, it is still expected that \$1 million will again carry over from FY 16. Members were encouraged to consider new projects to that would allow these funds to be obligated.

Executive Director Stalvey explained that the national organizations work hard every year to advocate for level or increased funding from Congress and that the allotment from FY 16 was increased from FY 15 by \$1 million for all DD Councils. TCDD expects a small increase once the notice of grant award is received.

#### **7. FY 2017-2021 STATE PLAN GOAL AND OBJECTIVES**

Planning Coordinator Joanna Cordry reviewed the input received during the public comment period for the proposed FY 2017 – FY 2021 State Plan Goals and Objectives. She noted that more than 70 people commented overall and that 45-60 comments were received on each goal. A summary of all public comments was provided in the Council meeting materials. Cordry focused the discussion on changes that were needed to the draft State Plan Goals and Objectives based on the input received. She noted that if major changes were recommended the plan would need to be posted again for public comment but if the plan is approved during the this Council meeting, staff will move forward in developing the activities that go along with the goals and objectives.

Cordry reviewed the guiding principles of the plan noting that it builds on the previous State Plan; it is aligned with the TCDD mission, DD Act and AIDD requirements; and focuses on diversity, changing systems, self-advocacy and collaboration. She also discussed that further development of the plan will include details on key activities, expected outcomes, expected sub-outcomes, and data evaluation and measurement.

Council members discussed public comments on suggested changes to objectives as well as implementation of each of the four goals of the FY 2017-2021 State Plan:

- Create and Support Promising Practices
- Improve and Expand Existing Community Based Systems
- Self-Advocates and Advocates Influence Policy and Practice
- Identify and Engage in Emerging Issues and Opportunities

No significant changes to the existing goals and objectives were recommended.

**MOTION:** To recommend Council approval of the FY 2017 – FY 2021 State Plan Goals and Objectives

**MADE BY:** Rick Tisch

**SECOND:** Mateo Delgado

The motion **passed** unanimously.

#### **8. COUNCIL CHALLENGE**

Council members participated in an education and training activity in the form of a *Jeopardy* style challenge that covered the topics of the TCDD State Plan Development, Housing, Children in Institutions, and Texas specific policy.

#### **ADJOURN**

Council Vice-Chair Cox adjourned the Committee of the Whole adjourned at 1:25 PM.

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Beth Stalvey  
Secretary to the Council

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Date